

CHAPTER NO. 137

HOUSE BILL NO. 3387

By Representative Roach

Substituted for: Senate Bill No. 3382

By Senator Williams

AN ACT to amend Chapter 419 of the Private Acts of 1907, Chapter 385 of the Private Acts of 1915, Chapter 596 of the Private Acts of 1915, Chapter 655 of the Private Acts of 1925, Chapter 792 of the Private Acts of 1925, Chapter 398 of the Private Acts of 1931, Chapter 399 of the Private Acts of 1931, Chapter 807 of the Private Acts of 1931, Chapter 60 of the Private Acts of 1935, Chapter 346 of the Private Acts of 1939, Chapter 276 of the Private Acts of 1941, Chapter 611 of the Private Acts of 1945, Chapter 609 of the Private Acts of 1947, Chapter 610 of the Private Acts of 1947, Chapter 804 of the Private Acts of 1949, Chapter 89 of the Private Acts of 1975, and any other acts amendatory thereto, relative to the incorporation of the Town of Dandridge, Tennessee, Jefferson County, and to define its powers and to provide for the election of officers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The Town of Dandridge, in the County of Jefferson, and the inhabitants thereof within the boundaries hereinafter specified be, and are hereby, constituted a body politic and corporate under and by the style and name of the mayor and aldermen of the Town of Dandridge, and shall have perpetual succession; may sue and be sued, plead and be impleaded in all courts of law and equity and in all sections whatever; may purchase, receive, and hold property, real and personal in the limits of the town, to be used for the erection of school houses or other corporate purposes, and improve, sell, lease, or dispose of said property for the benefit of the town; may own or rent such property and do all acts touching the same as natural persons, and shall have a common seal and change it at pleasure.

SECTION 2. Be it further enacted, that the boundaries of the Town of Dandridge shall be those set out in Chapter 419 of the Public Acts of Tennessee for 1907, as amended by Chapter 60 of the Private Acts of Tennessee for 1935, and any other acts amendatory thereto, as expanded by the annexation ordinances of the city.

SECTION 3. Be it further enacted, that the officers of said corporation shall consist of a Mayor and six (6) Aldermen to be elected by the qualified voters of said corporation of Dandridge to four (4) year staggered terms of office.

The terms of office of the Mayor and Aldermen elected in the May 1994 Election for a term of two (2) years shall be extended to the date of the November General State Election held in November, 1996. At the November General State Election held in November, 1996 the Mayor shall be elected for a term of four (4) years, the three (3) Aldermen receiving the highest number of votes shall be elected for a term of (4) years, and the remaining three (3) Aldermen shall be elected for a term of two (2) years, or until their successors are elected and qualified. Thereafter the date of the city election shall be the date of the General State Election, and the Mayor and Aldermen elected on the date of that election shall be elected for a term of four (4) years, or until their successors are elected and qualified. Each newly elected Mayor or Alderman shall be administered the oath of their respective office on the 1st day of December following the election at 6:00 p.m. In the event the 1st day of December following the election happens to fall on a

Saturday or Sunday, said oath of office shall be administered on the first Monday of December at 6:00 p.m.

The Recorder elected in May, 1994 to a two-year term of office shall serve to the end of his term, at which time the office of elected Recorder shall be abolished.

SECTION 4. Be it further enacted that the Mayor and Aldermen of the corporation shall each live within the limits thereof, and shall be a qualified voter in said corporation. Any person is a qualified voter and may vote in any corporate election who is a legal voter for members of the General Assembly and who has resided within the corporate limits for a period of three (3) months previous to said election. On receiving their certificates of election the Mayor and Aldermen shall go before the Clerk of the County Court of Jefferson County or some Magistrate thereof and make and subscribe to an oath to well, truly, impartially, and faithfully discharge the duties of their respective offices, which oaths shall be filed with the Recorder. Individuals living outside the Town of Dandridge who own real property consisting of a minimum value of five thousand dollars (\$5,000), as determined by the appraised value assessed by the Jefferson County Property Assessor for the calendar year preceding said election, or a business within the corporate limits of the Town of Dandridge may vote in Dandridge municipal elections. The Town Recorder will maintain a separate voting register for those individuals who qualify. Any dispute on eligibility will be taken to the Jefferson County Election Commission for final disposition, which will be based upon the Town Recorder's voting register.

The regular meetings of the Mayor and Aldermen shall be on the first Tuesday of each month, unless changed by ordinance or a special meeting is called as hereinafter provided. At the first meeting of the Board of Mayor and Aldermen the board shall fix the amount of the bond required of the Recorder in such penalty as it may see fit for the faithful performance of his duty and the payment of all money coming into his hands.

SECTION 5. Be it further enacted, that it shall be the duty of the Mayor to preside at all meetings of the Board of Mayor and Aldermen, and he shall have authority to enforce order in the meetings of the Board; to have a voice and vote in all matters coming before the Board but no veto power. The Mayor shall be the head of the town government for ceremonial purposes and shall have no administrative duties except those designated within this charter or as authorized by the Board of Mayor and Aldermen. The Mayor shall call special sessions of the Board when he thinks it expedient or upon the written request of three (3) or more Aldermen.

The Mayor shall sign all contracts authorized by the Board and all warrants and check disbursements for the payment of any moneys appropriated by the Board. The Mayor shall also designate one (1) other official to countersign warrants and check disbursements, and such official may be either an Alderman, the City Recorder, or the Town Administrator. The Mayor shall also designate an alternate to countersign the same in the absence of either himself or the first designate. The Mayor shall also sign all ordinances and resolutions approved by the Board as well as all minutes of the records and proceedings of said Board.

SECTION 6. The Board shall elect an Alderman to the office of Vice Mayor, who shall serve as Mayor when the Mayor is absent or unable to discharge the duties of the Mayor's office, and, in case of a vacancy in the office of Mayor, until the next regular municipal election.

SECTION 7. Be it further enacted, that the Board may appoint a Town Administrator, who shall be bonded in an amount set by the Board, to serve at the will of the Board. The Town Administrator shall be appointed on the basis of his executive and

administrative qualifications. He need not be a resident of the Town at the time of his appointment but may reside outside the Town while in office only with the approval of the Board. The compensation of the Town Administrator shall be fixed by the Board.

The Town Administrator shall be the Chief Administrative Officer of the Town, responsible to the Board for the administration of all town affairs placed in his charge by or under this Charter. The Town Administrator shall:

(1) Appoint and, when necessary for the good of the Town, suspend or remove any town officer or employee except as otherwise provided by this Charter or by in accordance with the personnel rules adopted by the Board. The Town Administrator may authorize any administrative officer subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;

(2) Direct and supervise the administration of all departments, offices and agencies of the Town, except as otherwise provided by this Charter or by law;

(3) Attend all meetings of the Board of Mayor and Aldermen. The Town Administrator shall have the right to take part in discussion but may not vote;

(4) See that all laws, provisions of this Charter and acts of the Board, subject to enforcement by the Town Administrator or by officers subject to his direction and supervision, are faithfully executed;

(5) Prepare and submit the annual budget and capital program to the Board;

(6) Submit to the Board of Mayor and Aldermen and make available to the public a complete report on the Town's finances compiled by the Recorder and administrative activities of the Town as of the end of each fiscal year;

(7) Make such other reports as the Board may require concerning the operations of Town departments, offices and agencies subject to the Town Administrator's direction and supervision;

(8) Keep the Board fully advised as to the financial condition and future needs of the Town;

(9) Make such recommendations to the Board concerning the affairs of the Town as may be desirable;

(10) Perform such other duties as are specified in this Charter or may be required by the Board of Mayor and Aldermen.

Neither the Board nor any of its members shall in any manner dictate the appointment or removal of any Town administrative officer or employee whom the Town Administrator or any subordinate of the Town Administrator is empowered to appoint, but the Board and members of the Board may express its views and fully and freely discuss with the Town Administrator anything pertaining to appointment and removal of such officers and employees.

The Board or its members shall deal with Town officers and employees who are subject to the direction and supervision of the Town Administrator solely through the Town Administrator, and neither the Board nor its members shall give orders to any such

officer or employee, either publicly or privately. Nothing in the preceding paragraph shall preclude a board member from correcting any potentially hazardous act of a town employee that may cause harm to the employee, town equipment, or the town's citizens.

SECTION 8. Be it further enacted that a Recorder shall be appointed by and shall receive a salary fixed by the Board of Mayor and Aldermen.

The Recorder shall be present at all meetings of the Board of Mayor and Aldermen and shall keep an accurate record of all proceedings of the same. He shall act as Treasurer and tax collector, and take care of, and keep proper account of all funds of whatever nature that may come into his hands belonging to the corporation. The Recorder shall keep such books as the town administrator may direct, and shall take such reports and settlements and perform such other duties as may be imposed on him by the Town Administrator.

SECTION 9. Be it further enacted that a Town Judge shall be appointed by and shall receive a salary fixed by the Board of Mayor and Aldermen.

The Town Judge shall be a licensed attorney in the State of Tennessee. The Town Judge is hereby vested with the powers to try all offenses against the peace and dignity of the Town of Dandridge. If for any reason the Judge is incompetent or absent the Mayor may try the case and decide the same with all the authority and power vested in the judge. In the event an appeal is taken from any fine imposed by the Judge or Mayor for the violation of any of its ordinances to the Circuit Court of Jefferson County, Tennessee, the person so appealing shall give bond and security for the payment of said fine and costs.

The Town Judge shall be empowered to sign warrants for the arrest of individuals who violate the Town's ordinances.

SECTION 10. Be it further enacted, that a Town Attorney, who shall be an attorney-at-law entitled to practice in the courts of the State of Tennessee, shall be appointed by the Board of Mayor and Aldermen.

The Town Attorney shall direct the management of all litigation in which the Town is a party, including the function of prosecuting attorney in the Town court; represent the Town in all legal matters and proceedings in which the Town is a party or interested, or in which any of its officers is officially interested; attend all regular Board meetings and any other meetings when requested by the Board; advise the Board, and committees or members thereof, the Town Administrator, and the heads of all departments and divisions as to all legal questions affecting the Town's interests; and approve as to form all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of or made by or with the Town. His compensation shall be as fixed by the Board and he shall serve at the will of the Board.

SECTION 11. Be it further enacted, that the taxes levied by the Board of Mayor and Aldermen for school and corporate purposes on the property within the corporate limits shall be collected on the valuation of said property as shown by the tax book in the County Trustee's office. When any tax or duty shall be levied by the corporation upon any real estate within the town, the Recorder, by and with the consent of the Board, shall take such steps for the collection of such taxes as are provided by the State laws for the collection of taxes.

SECTION 12. Be it further enacted, that the Board shall have the management and control of the city finances and all property of the corporation, real, personal and mixed, and shall have the power by ordinance or resolution to:

(1) Assess, levy and collect taxes for all general and special purposes on all subjects or objects of taxation and privileges taxable by law for state, county or municipal purposes;

(2) Adopt classifications of the subjects and objects of taxation that are not contrary to law;

(3) Make special assessments for local improvements;

(4) Contract and be contracted with;

(5) Incur debts by borrowing money or otherwise and give any appropriate evidence thereof in the manner hereinafter provided;

(6) Issue and give, sell, pledge or in any manner dispose of negotiable or non-negotiable interest-bearing or non-interest-bearing bonds, warrants, promissory notes or orders of the municipality in accordance with state law;

(7) Expend the money of the municipality for all lawful purposes;

(8) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge or otherwise dispose of property, real or personal, and any estate or interest therein within or without the municipality or state;

(9) Condemn property, real or personal, or any easement, interest or estate or use therein, either within or without the municipality, for present or future public use; the condemnation shall be effected in accordance with the terms and provisions of state law;

(10) Take and hold property within or without the municipality or state upon trust and administer trusts for the public benefit;

(11) Acquire, construct, own, operate and maintain or sell, lease, mortgage, pledge or otherwise dispose of public utilities and telecommunications systems or any estate or interest therein, or any other utility or service to the municipality, its inhabitants or any part thereof; and, further, may issue debt for these purposes under the Local Government Public Obligations Act or other pertinent state law;

(12) Grant to any person, firm, association or corporation (including the municipality) franchises for public utilities, telecommunications systems, and public services to be furnished both inside and outside the municipality and inhabitants therein. The power to grant franchises embraces the power to grant exclusive franchises. Whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation. Franchises may be granted for a period of time to be fixed by the city council, but not to exceed twenty (20) years. The council may prescribe in each grant of a franchise, the rate, and fares, charges and regulations that may be made by the grantee of the franchise in accordance with state and federal law. Franchises may by their terms apply to the territory within the corporate limits of the municipality at the date of the franchises, and may also apply to any or all subsequent modifications to the corporate limits, and to the existing streets, alleys and thoroughfares that thereafter may be opened;

(13) Make contracts with any person, firm, association or corporation for public utilities, telecommunications systems, and public services to be furnished both inside and outside the municipality and inhabitants therein. The power to make contracts embraces the power to make exclusive contracts. When an exclusive contract is entered into, it shall be exclusive against any other person, firm, association or corporation. These contracts may be entered into for a period of twenty (20) years or less, but not longer. The Board may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the municipality at the date of the contract, may also apply to any or all subsequent modifications to the corporate limits, and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened;

(14) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities and telecommunications systems, compel reasonable extensions of facilities for these services, and assess fees for the use of, or impact upon these services.

Nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (12) and (13);

(15) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, public facilities, libraries and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits, regulate their use within or without the corporate limits, assess fees for the use of or impact upon such property and facilities, and take and appropriate property therefor under the provisions provided by the general laws of the State;

(16) Construct, improve, reconstruct and improve by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining or otherwise improving any streets, highways, avenues, alleys or other public places within and without the corporate limits, and assess a portion of the cost of these improvements on the property abutting on or adjacent to these streets, highways or alleys under, and as provided by, state law;

(17) Assess against abutting property within and without the corporate limits the cost of planting shade trees, removing from sidewalks all accumulations of snow, ice, and earth, cutting and removing obnoxious weeds and rubbish, street lighting, street sweeping, street sprinkling, street flushing, and street oiling, the cleaning and rendering sanitary or removal, abolishing, and prohibiting of closets and privies, in such manner as may be provided by general law or by ordinance of the Board;

(18) Acquire, purchase, provide for, construct, regulate and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers and other structures, works and improvements inside and outside the municipality;

(19) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate their collection and disposal inside and outside the municipality, and the cost of collection, regulation, or disposal may be

funded by taxation, special assessment to the property owner, user fees or other charges;

(20) License and regulate all persons, firms, corporations, companies and associations engaged in any business, occupation, calling, profession or trade not prohibited by law;

(21) Impose a license tax upon any animal, thing, business, vocation, pursuit, privilege or calling not prohibited by law;

(22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, business, occupations, callings, trades, use of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers;

(23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

(24) Inspect, test, measure and weigh any article for consumption or use within the municipality, and charge reasonable fees therefor, and provide standards of weights, tests and measures;

(25) Regulate the location, bulk, occupancy, area, lot, location, height, construction and materials of all buildings and structures, and inspect all buildings, lands and places as to their condition for health, cleanliness and safety, and when necessary, prevent their use and require any alteration or changes necessary to make them healthful, clean or safe;

(26) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(27) Purchase or construct, maintain and establish a workhouse for the confinement and detention of any person convicted in the city court of offenses against the laws and ordinances of the municipality who fails to secure the fine imposed upon such person, or contract with the county to keep these persons in the workhouse of the county and provide by that contract and by ordinance for the commitment of these persons to the workhouse so provided until the fines are paid;

(28)

(A) Enforce any ordinance by fines, forfeitures, and penalties, and by other actions or proceedings in any court of competent jurisdiction; and

(B) No fine, forfeiture or penalty may exceed five hundred dollars (\$500) or the maximum allowable under general state law, whichever is greater, for violation of municipal ordinances;

(29) Establish schools, determine the necessary boards, officers and teachers required therefor, and fix their compensation, purchase or otherwise acquire land for or assess a fee for use of, or impact upon, schoolhouses,

playgrounds and other purposes connected with the schools, purchase or erect all necessary buildings and do all other acts necessary to establish, maintain and operate a complete educational system within the municipality;

(30) Regulate, tax, license or suppress the keeping or going at large of animals within the municipality, impound them, and in default of redemption, sell or kill them;

(31) Call elections as herein provided;

(32) By ordinance, assess, impose, levy and collect impact fees from new land developments within the municipal limits, provided that the impact fees are limited to the reasonably anticipated costs of public improvements generated by such developments, and provided that the impact fee system and formula is prescribed by ordinance; and

(33) Have and exercise all powers that now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though these powers were specifically enumerated.

SECTION 13. Be it further enacted that the Board may establish town departments, offices, or agencies in addition to those created by this Charter; and may prescribe the functions of all departments, offices and agencies not inconsistent with this Charter. Departments, offices and agencies created by the Board may be abolished or combined by the Board.

SECTION 14. Be it further enacted that the Board of Mayor and Aldermen may set the annual salary of the Mayor and Alderman by ordinance, but no ordinance increasing such salary shall become effective until after the next election of the Town after the final reading and passage of said ordinance. The Board of Mayor and Aldermen may further by ordinance decrease the annual salary of the Mayor and Aldermen, but no ordinance decreasing such salary shall become effective until the expiration of the current term of the Mayor.

SECTION 15. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Legislative Body of the Town of Dandridge. Its approval or non-approval shall be proclaimed by the Presiding Officer of the Town of Dandridge certified to the Secretary of State.

SECTION 16. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 15.

PASSED: April 2, 1998


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 16th day of April 1998


DON CONQUIST, GOVERNOR